

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLER BENTON HUGHES,

Defendant.

CR-04-17-H-BMM-2

ORDER

United States Magistrate Judge John Cavan entered Findings and Recommendations in this matter on April 9, 2021. (Doc. 129.) Tyler Hughes (Hughes) filed an objection on April 21, 2021. (Doc. 130.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Cavan conducted a revocation hearing on April 8, 2021. (Doc. 128.) The United States accused Hughes of violating his conditions of supervised release by using and possessing methamphetamine on two separate occasions. (Doc. 115.) At the revocation hearing, Hughes admitted to violating the terms of his supervised release by using and possessing methamphetamine on two separate occasions. Judge Cavan found the violations Hughes admitted are serious and warrant

revocation of Hughes's supervised release. Judge Cavan recommended Hughes should be incarcerated for 7 months, with 33 months of supervised release to follow. (Doc. 129.)

Hughes now opposes Judge Cavan's Findings and Recommendations, objecting to the 7-month imprisonment sentence on Counts 1-4, the 9-month supervised release sentence on Counts 5-6 and the recommended 6-month stay at a residential re-entry center that Judge Cavan recommended. (Doc. 130.)

The Court has reviewed Judge Cavan's Findings and Recommendations as well as Hughes's objection. The undersigned conducted a revocation hearing on April 29, 2021 and ordered a continuance until May 5, 2021, to obtain more information on Hughes' wife's status. Hughes and his attorney were allowed to allocute before the undersigned. (Doc. 135 and 138.) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Cavan's Findings and Recommendations. Hughes's violations of his conditions represent a serious breach of the Court's trust. This violation proves serious. Judge Cavan has recommended that the Court revoke Hughes's supervised release and commit him to the custody of the Bureau of Prisons for 7 months. (Doc. 129.) Judge Cavan further has recommended a term of 33 months of supervised release. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Hughes' objection is denied. Judge Cavan's Findings and Recommendations (Doc. 129) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Tyler Benton Hughes be sentenced to custody of the Bureau of Prisons for a term of 7 months, with 33 months of supervised release to follow.

DATED this 5th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court